

In the Office Action claims 1-16 and 24-31 were rejected under 35 U.S.C. 102(b) as anticipated or under 35 U.S.C. 103(a) as obvious over the patent to Wainwright.

Claims 1-16 and 24-31 were also rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. patent to Wainwright in view of the U.S. patent to Pirig.

Turning now to the Examiner's rejection of the claims over the patent to Wainwright, it is respectfully submitted that applicant's have to respectfully disagree with the Examiner's position.

In the inventive paint there are components which are taken at different amounts than in the Wainwright patent, and therefore the differences in the amounts of the components should be considered as patentably differentiating the present invention from the prior art represented by this reference. Also, the claim related to the process of painting is different since it is performed with a different paint.

Applicant still is of opinion that the patent to Wainwright is not from the same field of endeavor. While it is true that the intumescence compositions may be incorporated into the paint, this reference does not

disclose a paint, the method of painting and the method of producing a paint, which are similar to the applicant's invention.

Therefore, it is believed that the applied anticipation rejection over this reference should be considered as not tenable and should be withdrawn.

The Examiner's rejection of the claims over the combination of the references in applicant's opinion, should also be considered as not justified. The patent to Pirig does not disclose all elements of the paint or the present invention, and therefore its combination with the patent to Wainwright would not lead to the paint in accordance with the present invention nor will it lead to a method of painting or method of producing the paint.

Therefore, it is respectfully submitted that the rejection of the claims as obvious over the combination of the references should also be considered as not tenable and should also be withdrawn.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-243-3818).

Respectfully submitted,



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